

TUESDAY, APRIL 17, 2012

SEVENTY-FOURTH LEGISLATIVE DAY

The House met at 9:00 a.m. and was called to order by Madam Speaker Harwell.

The proceedings were opened with prayer by Jeff Amonett, First Baptist Church of Byrdstown, Byrdstown, TN.

Representative Dean led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present..... 98

Representatives present were Alexander, Armstrong, Bass, Brooks H, Brooks K, Brown, Butt, Campbell, Camper, Carr, Cobb, Coley, Cooper, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Favors, Fitzhugh, Floyd, Ford, Forgety, Gilmore, Gotto, Halford, Hall, Hardaway, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Naifeh, Niceley, Odom, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Tindell, Todd, Towns, Turner J, Turner M, Watson, Weaver, White, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 98

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Casada; business

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Resolution No. 232 Rep(s). Hardaway and Pody as prime sponsor(s).

House Joint Resolution No. 783 Rep(s). Haynes, Holt, Marsh, H. Brooks, Wirgau, Hall, Weaver, Dunn, Halford, Ragan, Forgety, Alexander and R. Williams as prime sponsor(s).

House Joint Resolution No. 935 Rep(s). Sargent, Ragan, Haynes, Coley, Niceley, Dean, K. Brooks, R. Williams, Carr, Ramsey, Lundberg, Sparks, McCormick, Floyd, Matheny, Camper, P. Johnson, Pody, Wirgau, McManus, Shipley, Halford, Evans, Hall, Sexton, Bass, Marsh, Parkinson, Weaver, Elam, Favors, White, Ford, Roach, Brown, Richardson, Harrison, D. Miller, Swann, Hurley, Hensley, Gotto, Stewart, Rich, Hill, Alexander, Eldridge, H. Brooks, Holt, Forgety, Todd, C. Johnson, Butt, Sanderson, Womick, Dunn, McDonald and Cobb as prime sponsor(s).

House Joint Resolution No. 942 Rep(s). M. Turner as prime sponsor(s).

House Joint Resolution No. 949 Rep(s). K. Brooks as prime sponsor(s).

House Joint Resolution No. 958 Rep(s). Pruitt as prime sponsor(s).

House Bill No. 2751 Rep(s). Hardaway, Lollar and Dean as prime sponsor(s).

House Bill No. 3175 Rep(s). Stewart, Dean, Elam, Lollar, Hill, Sargent, Camper, Eldridge, Dunn, K. Brooks, Towns, Wirgau, H. Brooks, Holt, Maggart, Cobb, Powers, McManus and Watson as prime sponsor(s).

House Bill No. 3429 Rep(s). Parkinson as prime sponsor(s).

PERSONAL ORDERS

RULES SUSPENDED

On motion of Rep. McCormick, the following rules were suspended for the remainder of the 2012 Legislative Session:

RULE NO. 17: so that all congratulatory and memorializing resolutions can be placed directly on the next Consent Calendar;

RULE NO. 49: the 48-hour rule so that all bills moved from Calendar and Rules can be set on the next floor Calendar;

RULE NO. 49: the 25 bill limit rule so that more than 25 bills may be placed on the Calendar for final consideration on any one day;

RULE NO. 50: the 72-hour rule for posting the Consent Calendar, so that local bills and other bills and resolutions coming out of Calendar and Rules can be placed on the next Consent Calendar on a daily basis;

RULE NO. 60: so that notice of proposed amendments may be given until the start of Session on the day of consideration;

RULE NO. 67: so that committee and subcommittee meetings can be held at times other than those specified in the House Weekly Schedule and with less than 72 hours notice;

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RULE NO. 71: the 24-hour rule requiring all amendments to be placed on the members' desks;

RULE NO. 59: notice provisions so that all bills from the Senate with messages can be announced and/or automatically placed on the next Message Calendar;

RULE NO. 75: meeting time provision so that session can meet hours other than 9:00 a.m. to 12 noon and 2:00 p.m. to 7:00 p.m.;

RULE NO. 80(1): so that all bills reported out of subcommittee can be heard on the next full committee calendar without waiting a week;

RULE NO. 80(1): so that all bills reported out of committee can be heard in the next committee or subcommittee without waiting a week;

RULE NO. 80(1): so that items in committee and subcommittee can be placed on the next calendar notwithstanding the Wednesday 3:30 deadline for placing bills on notice;

The motion to suspend the rules prevailed by the following vote:

Ayes	91
Noes.....	3

Representatives voting aye were: Alexander, Armstrong, Bass, Brooks H, Brooks K, Brown, Butt, Campbell, Camper, Carr, Cobb, Coley, Curtiss, Dean, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Favors, Fitzhugh, Floyd, Ford, Forgety, Gilmore, Gotto, Halford, Hall, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Niceley, Odom, Parkinson, Pitts, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Tindell, Todd, Turner J, Turner M, Watson, Weaver, White, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 91

Representatives voting no were: Cooper, Hardaway, Towns -- 3

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. McCormick moved that the rules be suspended in order to allow a four hour suspension if a bill or amendment on the floor calendar, in the regular order, is objected to by a leader; otherwise, amendments are considered timely filed up to the start of Session on the day of consideration, which motion prevailed by the following vote:

Ayes	92
Noes.....	2

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Representatives voting aye were: Alexander, Armstrong, Bass, Brooks H, Brooks K, Butt, Campbell, Camper, Carr, Cobb, Coley, Cooper, Curtiss, Dean, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Favors, Fitzhugh, Floyd, Ford, Forgety, Gilmore, Gotto, Halford, Hall, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Niceley, Odom, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Tindell, Todd, Towns, Turner J, Turner M, Watson, Weaver, White, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 92

Representatives voting no were: Hardaway, Hurley -- 2

A motion to reconsider was tabled.

RECOGNITION IN THE WELL

Representative Maggart, joined by Representatives Shipley, Lundberg and McCormick, was recognized in the Well in order to honor Representative Campbell's service to the State of Tennessee.

RULES SUSPENDED

Rep. Maggart moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 935 out of order, which motion prevailed.

House Joint Resolution No. 935 -- Memorials, Public Service - Representative Scotty Campbell. by *Maggart.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Maggart, with the request that all members voting aye be added as co-prime sponsors, the resolution was adopted by the following vote:

Ayes 98
Noes..... 0

Representatives voting aye were: Alexander, Armstrong, Bass, Brooks H, Brooks K, Brown, Butt, Campbell, Camper, Carr, Cobb, Coley, Cooper, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Favors, Fitzhugh, Floyd, Ford, Forgety, Gilmore, Gotto, Halford, Hall, Hardaway, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Naifeh, Niceley, Odom, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Tindell, Todd, Towns, Turner J, Turner M, Watson, Weaver, White, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 98

A motion to reconsider was tabled.

RECOGNITION IN THE WELL

Representatives S. Jones, Fitzhugh, Gilmore and M. Turner, joined by the Davidson County delegation, were recognized in the Well in order to honor Representative Sontany's service to Tennessee.

RULES SUSPENDED

Rep. S. Jones moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 783 out of order, which motion prevailed.

House Joint Resolution No. 783 -- Memorials, Public Service - Representative Janis Baird Sontany. by *Jones S, *Turner M, *Moore, *Favors, *Pitts, *Brown, *Hardaway, *Shepard, *Curtiss, *Tidwell, *Turner J, *Harmon, *Pruitt, *Stewart, *Windle, *Odom, *Gilmore, *Cooper B, *Towns, *Parkinson, *Fitzhugh, *Armstrong, *Tindell, *DeBerry J, *Shaw, *Miller L, *Camper, *Richardson, *Kernell, *DeBerry L, *Naifeh, *Bass.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. S. Jones, with the request that all members voting aye be added as co-prime sponsors, with the Davidson County delegation listed first, the resolution was adopted by the following vote:

Ayes	98
Noes.....	0

Representatives voting aye were: Alexander, Armstrong, Bass, Brooks H, Brooks K, Brown, Butt, Campbell, Camper, Carr, Cobb, Coley, Cooper, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Favors, Fitzhugh, Floyd, Ford, Forgety, Gilmore, Gotto, Halford, Hall, Hardaway, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Naifeh, Niceley, Odom, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Tindell, Todd, Towns, Turner J, Turner M, Watson, Weaver, White, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 98

A motion to reconsider was tabled.

EXCUSED

5005

This is a draft version of the House Journal and is to be considered UNOFFICIAL. It will become the official record of the House after it has been adopted by the House.

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Gilmore; business

Representative Moore; business

Representative Shaw; business

INTRODUCTION OF RESOLUTIONS

On motion, pursuant to **Rule No. 17**, the resolution(s) listed was/were introduced and referred to the appropriate Committee:

House Joint Resolution No. 947 -- Naming and Designating - "National Peace Officers' Memorial Day," May 15, 2012, and "National Police Week," May 13-19, 2012. by *Carr, Womick, Sparks, Marsh.

House State and Local Government Committee

RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for April 18, 2012:

House Resolution No. 247 -- Memorials, Interns - Matthew Schwimmer. by *Todd.

House Resolution No. 248 -- Memorials, Recognition - Martha Dandridge Garden Club, 85th anniversary. by *Niceley, *Faison.

House Resolution No. 249 -- Memorials, Academic Achievement - Elsie Chang, Valedictorian, Central High School. by *Favors.

House Resolution No. 250 -- Memorials, Academic Achievement - Dora Harper, Salutatorian, Central High School. by *Favors.

House Resolution No. 251 -- Memorials, Academic Achievement - Rachel Shelton, Salutatorian, Central High School. by *Favors.

House Resolution No. 252 -- Memorials, Academic Achievement - Corey Durand Hemphill, Salutatorian, Brainerd High School. by *Favors.

House Resolution No. 253 -- Memorials, Academic Achievement - Tiara Rashael Boston, Valedictorian, Brainerd High School. by *Favors.

House Resolution No. 254 -- Memorials, Academic Achievement - Shaylind Nance, Salutatorian, Tyner Academy. by *Favors.

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House Resolution No. 255 -- Memorials, Academic Achievement - Jaren Alexander, Valedictorian, Tyner Academy. by *Favors.

House Joint Resolution No. 959 -- Memorials, Personal Occasion - Etta Mae Driver Rayborn, 75th birthday. by *Camper, *Richardson, *Shepard, *Coley, *DeBerry L, *Armstrong, *DeBerry J, *Brown, *Favors, *Parkinson, *Hardaway, *Towns, *Turner J, *Cooper B, *Naifeh, *Miller L.

House Joint Resolution No. 961 -- Memorials, Recognition - Saint Mark Missionary Baptist Church. by *Camper, *Richardson, *Todd.

House Joint Resolution No. 962 -- Memorials, Retirement - Dr. Doyle Meadows. by *Marsh.

House Joint Resolution No. 963 -- Memorials, Retirement - Lieutenant Richard Earl Cash, THP. by *Casada, *Sargent.

House Joint Resolution No. 964 -- Memorials, Recognition - Zackary "Google" Welch. by *Swann.

House Joint Resolution No. 966 -- Memorials, Recognition - Williamson County Association of Realtors, 50th anniversary. by *Sargent.

House Joint Resolution No. 967 -- Memorials, Recognition - Christian Brothers Band, 140th anniversary. by *White, *McManus, *McCormick.

House Joint Resolution No. 968 -- Memorials, Recognition - Lake Forest Middle School Show Choir. by *Brooks K, *Watson.

House Joint Resolution No. 969 -- Memorials, Interns - Bruce Harbin. by *Holt.

House Joint Resolution No. 970 -- Memorials, Recognition - Bethel University. by *Holt.

House Joint Resolution No. 971 -- Memorials, Interns - Cassiah Smith. by *Casada.

House Joint Resolution No. 972 -- Memorials, Interns - Byron Glenn. by *Casada.

House Joint Resolution No. 973 -- Memorials, Interns - Angel Dunson. by *Casada.

House Joint Resolution No. 974 -- Memorials, Professional Achievement - Sherri Brinkley, East Tennessee ESL Teacher of the Year. by *Matlock.

House Joint Resolution No. 975 -- Memorials, Professional Achievement - Glenn McNish, George L. Hunter Distinguished Service Award and Greater Knoxville Sports Hall of Fame. by *Matlock.

House Joint Resolution No. 976 -- Memorials, Recognition - Jimmy Wayne. by *White.

House Joint Resolution No. 977 -- Memorials, Retirement - Kay Garrison. by *Ramsey.

**SENATE JOINT RESOLUTIONS
(Congratulatory and Memorializing)**

Pursuant to **Rule No. 17**, the resolution(s) listed was/were noted as being placed on the Consent Calendar for April 18, 2012:

Senate Joint Resolution No. 751 -- Memorials, Death - Joe "Tiger Joe" Thompson, Jr. by *Henry.

Senate Joint Resolution No. 752 -- Memorials, Academic Achievement - Ashley Thi Truong, Valedictorian, Kingsbury High School. by *Kyle, *Ford, *Marrero.

Senate Joint Resolution No. 753 -- Memorials, Academic Achievement - Keriyon Hunter, Salutatorian, Kingsbury High School. by *Kyle, *Ford, *Marrero.

Senate Joint Resolution No. 754 -- Memorials, Academic Achievement - Kara Skjoldager, Valedictorian, Central High School. by *Kyle, *Ford, *Marrero.

Senate Joint Resolution No. 755 -- Memorials, Academic Achievement - Elizabeth Forester, Salutatorian, Central High School. by *Kyle, *Ford, *Marrero.

Senate Joint Resolution No. 756 -- Memorials, Academic Achievement - Jordaan Tiara McGill, Salutatorian, Central High School. by *Kyle, *Ford, *Marrero.

Senate Joint Resolution No. 757 -- Memorials, Death - Robert Eugene Tipton, Jr. by *Kyle, *Ford, *Kelsey, *Marrero, *Norris, *Tate.

Senate Joint Resolution No. 758 -- Memorials, Death - Ryan Barek Edwards. by *Kyle, *Ford, *Kelsey, *Norris, *Tate.

Senate Joint Resolution No. 761 -- Memorials, Recognition - Catholic Charities of Tennessee, Inc., 50th Anniversary. by *Henry, *Berke, *Finney L, *Harper, *Haynes, *Herron, *Marrero, *Massey, *McNally.

Senate Joint Resolution No. 763 -- Memorials, Public Service - Senator Mike Faulk. by *Ramsey, *Overbey, *Norris, *Bell, *Crowe, *Tracy, *Campfield, *Summerville, *Kelsey, *Gresham, *Berke, *Burks, *Ketron, *Tate, *Yager, *Massey, *Roberts, *Beavers, *Ford, *Marrero, *Kyle, *Finney L, *Harper, *Barnes, *McNally, *Haynes, *Johnson, *Southerland, *Watson, *Stewart, *Herron, *Henry.

Senate Joint Resolution No. 764 -- Memorials, Recognition - Reverend Stanford L. Hunt. by *Kyle, *Ford.

RESOLUTIONS LYING OVER

On motion, the resolution(s) listed was/were referred to the appropriate Committee:

***Senate Joint Resolution No. 183** -- Constitutional Amendments - Proposes an amendment to Section 3 of Article VI of the Tennessee Constitution to unequivocally authorize the general assembly, by statute, to establish a system of merit-based appointments with retention elections for appellate court judges. by *Norris.

Held on House Desk

SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill as noted:

Senate Bill No. 2225 -- Intellectual & Developmental Disabilities - As introduced, revises various provisions governing the licensing of facilities and personal support services agencies for persons with intellectual and developmental disabilities. - Amends TCA Title 4 and Title 33. by *Norris, *Watson. (*HB2363 by *McCormick, *Faison, *Hurley)

Senate Bill No. 2514 -- Lottery, Scholarships and Programs - As introduced, revises initial academic requirements for eligibility and the amount of the award of the Tennessee HOPE scholarship beginning with students entering college in 2015-2016; recommends use of net lottery proceeds for TSAA grants for 10 years beginning with 2015-2016. - Amends TCA Title 49, Chapter 4. by *Gresham, *Henry, *Watson, *McNally, *Tate. (*HB2649 by *Brooks H)

***Senate Bill No. 3023** -- Board of Regents - As introduced, allows the court to award back pay to a tenured faculty member whose dismissal the court finds was not appropriate. - Amends TCA Section 49-8-304. by *Gresham, *Ketron, *Burks. (HB3456 by *Hensley)

***Senate Bill No. 3096** -- Boards and Commissions - As introduced, requires each speaker appointment for the Tennessee criminal justice coordinating council to be from the respective state and local government committee. - Amends TCA Title 4 and Title 41. by *Johnson. (HB3712 by *McCormick)

***Senate Bill No. 3305** -- Sentencing - As introduced, adds charitable and governmental agencies to entities at which a person convicted of simple possession may be required to perform community service. - Amends TCA Title 39; Title 40; Title 53, Chapter 10 and Title 53, Chapter 11. by *Faulk, *Massey, *Overbey. (HB3730 by *Stewart, *Coley)

Senate Bill No. 3513 -- Criminal Procedure - As introduced, authorizes the county legislative body to set the fee for participation in the litter removal program by first-time DUI offenders and permits the judge to find a person indigent for purposes of paying that fee. - Amends TCA Section 55-10-403. by *Tate. (*HB3068 by *DeBerry J)

Senate Bill No. 3647 -- Conservation - As introduced, decreases time county conservation board must organize from 30 days after appointment to 20 days after appointment; allows board to send report of transactions and operations to commissioner electronically. - Amends TCA Title 11 and Title 67. by *Southerland, *Ramsey, *Ketron, *Marrero. (*HB3111 by *Campbell)

Senate Bill No. 3700 -- Election Laws - As introduced, authorizes recognized minor party the option to nominate all offices by primary or by rules of the party; if they nominate by primary election, the petition for recognition must be filed by the qualifying deadline; if they nominate by any other means, the petition for recognition must be filed 90 days prior to the general election. - Amends TCA Title 2. by *Norris, *Ketron. (*HB3471 by *Brooks H)

REPORTS FROM STANDING COMMITTEES

The committees that met on **April 17, 2012**, reported the following:

CONSUMER AND EMPLOYEE AFFAIRS COMMITTEE

The Consumer and Employee Affairs Committee recommended for passage: House Bill(s) No(s). 3559 and 3560 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 3372 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

EDUCATION COMMITTEE

The Education Committee recommended for passage: House Bill(s) No(s). 229 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 2649 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

FINANCE, WAYS AND MEANS COMMITTEE

The Finance, Ways and Means Committee recommended for passage: House Bill(s) No(s). 2362, 2350, 2626, 3688, 2799, 929, 1944, 2363, 2569, 2904, 3076, 3269 and Senate Joint Resolution(s) No(s). 578, also House Bill(s) No(s). 2221, 3051, 3400, 3459, 1013, 1959, 2889 and House Joint Resolution(s) No(s). 753 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

GOVERNMENT OPERATION COMMITTEE

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The Government Operations Committee recommended for passage: House Bill(s) No(s). 1896, also House Bill(s) No(s). 3778 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 1916, 2392 and 2725. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

CONSENT CALENDAR

House Resolution No. 245 -- Memorials, Retirement - Velma H. Whitelo. by *Turner J.

House Resolution No. 246 -- Memorials, Interns - Tricia N. "Niki" Collis. by *Pitts, *Shepard, *Curtiss.

House Joint Resolution No. 932 -- Memorials, Recognition - Richard Sterban. by *Maggart.

House Joint Resolution No. 937 -- Memorials, Death - Autumn Ford Jennings. by *Haynes.

House Joint Resolution No. 938 -- Memorials, Recognition - Ryan Dalton, Director of Anti-trafficking Operations with Operation Broken Silence. by *Coley.

House Joint Resolution No. 939 -- Memorials, Interns - Anika A. Evans. by *Cooper B.

House Joint Resolution No. 940 -- Memorials, Interns - Kirbi M. Tucker. by *Cooper B.

House Joint Resolution No. 941 -- Memorials, Personal Achievement - Christopher Andrew Neal, Eagle Scout. by *Swann.

House Joint Resolution No. 942 -- Memorials, Recognition - Bill Ketchum. by *Moore.

House Joint Resolution No. 943 -- Memorials, Academic Achievement - Amber Ruth Shults, Valedictorian, Maryville Christian School. by *Ramsey.

House Joint Resolution No. 944 -- Memorials, Academic Achievement - David Christopher Keylon, Salutatorian, Maryville Christian School. by *Ramsey.

House Joint Resolution No. 945 -- Memorials, Academic Achievement - Emily Magee Guillaume, Valedictorian, William Blount High School. by *Ramsey.

House Joint Resolution No. 946 -- Memorials, Academic Achievement - Adam Michael Barton, Salutatorian, William Blount High School. by *Ramsey.

House Joint Resolution No. 948 -- Memorials, Interns - Demetria Johnson. by *Carr.

House Joint Resolution No. 949 -- Memorials, Recognition - Kinser Church of God, 100th anniversary. by *Watson.

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House Joint Resolution No. 950 -- Memorials, Recognition - Tennessee Scholastic Clay Target Program. by *Matheny.

House Joint Resolution No. 951 -- Memorials, Interns - Charles Michael Robinson. by *Naifeh.

House Joint Resolution No. 954 -- Memorials, Professional Achievement - Debbie Maples, Lewis County Elementary School Teacher of the Year. by *Hensley.

House Joint Resolution No. 955 -- Memorials, Professional Achievement - Judy Duncan, Lewis County Intermediate School Teacher of the Year. by *Hensley.

House Joint Resolution No. 956 -- Memorials, Professional Achievement - Jim Milan, Lewis County High School Teacher of the Year. by *Hensley.

House Joint Resolution No. 957 -- Memorials, Professional Achievement - Sue Sharp, Lewis County Middle School Teacher of the Year. by *Hensley.

House Joint Resolution No. 958 -- Memorials, Recognition - Tennessee State University, 100th anniversary of founding. by *Gilmore.

Senate Joint Resolution No. 742 -- Memorials, Heroism - Master Sergeant Michael Trost. by *Overbey, *Faulk, *Massey.

Senate Joint Resolution No. 743 -- Memorials, Academic Achievement - Darius McGee, Salutatorian, Douglass High School. by *Kyle, *Ford, *Marrero.

Senate Joint Resolution No. 744 -- Memorials, Academic Achievement - Ashley Laprese Caston, Valedictorian, Douglass High School. by *Kyle, *Ford, *Marrero.

Senate Joint Resolution No. 745 -- Memorials, Academic Achievement - Sovanchamrean Yos, Valedictorian, Raleigh-Egypt High School. by *Kyle, *Ford, *Marrero.

Senate Joint Resolution No. 746 -- Memorials, Academic Achievement - Maira A. Lopez, Salutatorian, Raleigh-Egypt High School. by *Kyle, *Ford, *Marrero.

Senate Joint Resolution No. 747 -- Memorials, Personal Occasion - Nell Goodson, 101st birthday. by *Faulk.

Senate Joint Resolution No. 748 -- Memorials, Recognition - Iris Thompson, 2012 Super Senior. by *Yager.

Senate Joint Resolution No. 749 -- Memorials, Recognition - Rusty Branstetter, 2012 Super Senior. by *Yager.

Senate Joint Resolution No. 750 -- Memorials, Death - Paul Edward Meyers II. by *Finney L, *Herron.

Senate Joint Resolution No. 806 -- Memorials, Recognition - Charlie and Mary Gladys Sledge. by *Finney L.

Rep. M. Turner moved that the Davidson County delegation be added as co-prime sponsors on House Joint Resolution No. 942, which motion prevailed with the following members not added pursuant to the signed Sponsor Exclusion form: Rep(s). Alexander, Butt, Holt, Hurley, Pody and Ragan.

Rep. Coley moved that all members voting aye on House Joint Resolution No. 938 be added as co-prime sponsors, with the Shelby County delegation listed first, which motion prevailed with the following members not added pursuant to the signed Sponsor Exclusion form: Rep(s). Alexander, Butt, Holt, Hurley, Pody and Ragan.

Rep. Pruitt moved that all members voting aye on House Joint Resolution No. 958 be added as co-prime sponsors, which motion prevailed with the following members not added pursuant to the signed Sponsor Exclusion form: Rep(s). Alexander, Butt, Holt, Hurley, Pody and Ragan.

Rep. Naifeh moved that all members voting aye on House Joint Resolution No. 951 be added as co-prime sponsors, which motion prevailed with the following members not added pursuant to the signed Sponsor Exclusion form: Rep(s). Alexander, Butt, Holt, Hurley, Pody and Ragan.

Pursuant to **Rule No. 50**, Rep. Dunn moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes	94
Noes.....	0

Representatives voting aye were: Alexander, Armstrong, Bass, Brooks H, Brooks K, Brown, Butt, Campbell, Camper, Carr, Cobb, Coley, Cooper, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Favors, Fitzhugh, Floyd, Ford, Forgety, Gotto, Halford, Hall, Hardaway, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Naifeh, Niceley, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shepard, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Tindell, Todd, Towns, Turner J, Turner M, Watson, Weaver, White, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 94

A motion to reconsider was tabled.

REGULAR CALENDAR

***House Bill No. 3429** -- Unemployment Compensation - As introduced, requires department of labor and workforce development to implement an Internet-based system that allows employers to receive notices electronically and to submit separation information electronically; requires more information be included on unemployment insurance tax statement at request of employer. - Amends TCA Title 4, Chapter 3, Part 14 and Title 50, Chapter 7. by *Matlock, *Sexton. (SB3659 by *Johnson, *Ramsey, *Watson, *Ketron)

Rep. Matlock moved that House Bill No. 3429 be passed on third and final consideration.

Rep. Eldridge moved adoption of Consumer and Employee Affairs Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 3429 by deleting SECTION 2 of the bill and substituting instead the following:

SECTION 2. Tennessee Code Annotated, Title 50, Chapter 7, Part 4, is amended by adding the following as a new section thereto:

50-7-452.

By January 1, 2013, at the request of the employer, the department shall begin including with an employer's annual premium rate notice the statement of benefits charged to the employer's experience rating account that affected that annual premium rate. The department shall include on the annual premium rate notice how an employer may opt in to having that additional information included with the notice.

AND FURTHER AMEND by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION ____. The commissioner is authorized to develop a program to check county jails for inmates who may be receiving unemployment benefits in violation of § 50-7-302(a)(4). The commissioner shall confer with local sheriffs to determine which system would work best for the department and the local sheriffs. The commissioner shall report to the commerce, labor and agriculture committee of the senate and the consumer and employee affairs committee of the house of representatives by July 1, 2012 regarding the status of such program.

On motion, Consumer and Employee Affairs Committee Amendment No. 1 was adopted.

Rep. Matlock moved that **House Bill No. 3429**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 90

Noes..... 1

Representatives voting aye were: Alexander, Armstrong, Bass, Brooks H, Brooks K, Brown, Butt, Campbell, Camper, Carr, Cobb, Coley, Cooper, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Fitzhugh, Floyd, Ford, Forgety, Gotto, Halford, Hall, Hardaway, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson P, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Naifeh, Niceley, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shepard, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Tindell, Todd, Towns, Turner J, Turner M, Watson, Weaver, White, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 90

Representatives voting no were: Favors -- 1

A motion to reconsider was tabled.

***House Bill No. 3431** -- Unemployment Compensation - As introduced, enacts the "Unemployment Insurance Accountability Act of 2012." - Amends TCA Title 50. by *Matlock. (SB3658 by *Johnson, *Ramsey, *Watson, *Ketron)

Rep. Matlock moved that House Bill No. 3431 be reset for the Regular Calendar on April 19, 2012, which motion prevailed.

***House Bill No. 3867** -- Cookeville - As introduced, subject to local approval, incorporates by reference for Cookeville officers and employees present general law language related to conflict of interest and contracting. - Amends Chapter 223 of the Private Acts of 1961. by *Williams R. (SB3797 by *Burks)

Rep. R. Williams moved that **House Bill No. 3867** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 94
Noes..... 0

Representatives voting aye were: Alexander, Armstrong, Bass, Brooks H, Brooks K, Brown, Butt, Campbell, Camper, Carr, Cobb, Coley, Cooper, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Favors, Fitzhugh, Floyd, Ford, Forgety, Gotto, Halford, Hall, Hardaway, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Naifeh, Niceley, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shepard, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Tindell, Todd, Towns, Turner J, Turner M, Watson, Weaver, White, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 94

A motion to reconsider was tabled.

***House Resolution No. 232** -- General Assembly, Directed Studies - Urges the comptroller of the treasury to consider conducting a random review of development districts in this state. by *Williams R.

Rep. R. Williams moved adoption of **House Resolution No. 232**, which motion prevailed by the following vote:

Ayes	91
Noes.....	1

Representatives voting aye were: Alexander, Armstrong, Bass, Brooks H, Brooks K, Brown, Butt, Campbell, Camper, Carr, Cobb, Coley, Cooper, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Favors, Fitzhugh, Floyd, Ford, Forgety, Halford, Hall, Hardaway, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Naifeh, Niceley, Odom, Parkinson, Pitts, Pody, Powers, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shepard, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Tindell, Todd, Towns, Turner J, Watson, Weaver, White, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 91

Representatives voting no were: Keisling -- 1

A motion to reconsider was tabled.

***House Bill No. 2379** -- Health, Dept. of - As introduced, redefines "evidence-based" for purposes of criteria for funding for in-home visitation programs; makes other changes to provisions governing in-home visitations. - Amends TCA Title 68, Chapter 1, Part 1. by *McCormick, *Williams R. (SB2241 by *Norris, *Overbey, *Burks)

On motion, House Bill No. 2379 was made to conform with **Senate Bill No. 2241**; the Senate Bill was substituted for the House Bill.

Rep. R. Williams moved that **Senate Bill No. 2241** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	93
Noes.....	0
Present and not voting.....	2

Representatives voting aye were: Alexander, Armstrong, Bass, Brooks H, Brooks K, Butt, Campbell, Camper, Carr, Cobb, Coley, Cooper, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Fitzhugh, Floyd, Ford, Forgety, Gotto, Halford, Hall, Hardaway, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Naifeh, Niceley, Odom, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shepard, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell,

TUESDAY, APRIL 17, 2012 – SEVENTY-FOURTH LEGISLATIVE DAY UNOFFICIAL VERSION

Tindell, Todd, Towns, Turner J, Turner M, Watson, Weaver, White, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 93

Representatives present and not voting were: Brown, Favors -- 2

A motion to reconsider was tabled.

JOURNAL CORRECTION

Without objection, the Speaker requested that the Journal reflect that Rep. Sargent voted “aye” on **Senate Bill No. 2241**.

REGULAR CALENDAR, CONTINUED

***House Bill No. 2751** -- DUI Offenses - As introduced, increases penalty for violation of DUI statute when child under 18 is in the vehicle to require that the mandatory minimum 30-day sentence for this offense be served consecutive to any sentence received for a violation of specified other alcohol-related offenses. - Amends TCA Title 55, Chapter 10, Part 4. by *Shipley, *Hurley, *Maggart, *Gotto, *Faison. (SB2607 by *Beavers, *Overbey, *Berke, *Faulk, *Norris, *Stewart)

On motion, House Bill No. 2751 was made to conform with **Senate Bill No. 2607**; the Senate Bill was substituted for the House Bill.

Rep. Shipley moved that Senate Bill No. 2607 be passed on third and final consideration.

Rep. Sargent moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2751 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 55-10-403, is amended by deleting subdivision (a)(1)(B)(i) and substituting instead the following”

(i) If a person is convicted of a violation of § 55-10-401 and the trier of fact finds that, at the time of the offense, the person was accompanied by a child under eighteen (18) years of age, the person’s sentence shall be enhanced by a mandatory minimum period of incarceration of thirty (30) days and a mandatory minimum fine of one thousand dollars (\$1,000). The incarceration enhancement shall be served in addition to, and at the conclusion of, any period of incarceration received for the violation of § 55-10-401. The fine enhancement shall be in addition to any fine imposed for the violation of § 55-10-401.

SECTION 2. This act shall take effect July 1, 2012, the public welfare requiring it.

On motion, Finance, Ways and Means Committee Amendment No. 1 was adopted.

Rep. Shipley moved that **Senate Bill No. 2607**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 94
Noes..... 0

Representatives voting aye were: Alexander, Armstrong, Bass, Brooks H, Brooks K, Brown, Butt, Campbell, Camper, Carr, Cobb, Coley, Cooper, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Fitzhugh, Floyd, Ford, Forgety, Gotto, Halford, Hall, Hardaway, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Naifeh, Niceley, Odom, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shepard, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Tindell, Todd, Towns, Turner J, Turner M, Watson, Weaver, White, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 94

A motion to reconsider was tabled.

***House Bill No. 3175** -- Criminal Offenses - As introduced, implements various procedures concerning controlled substance analogues in the same manner in which those procedures are carried out concerning controlled substances. - Amends TCA Title 4; Title 7; Title 8; Title 10; Title 29; Title 36; Title 37; Title 38; Title 39; Title 40; Title 41; Title 49; Title 50; Title 53; Title 55; Title 57; Title 62; Title 63; Title 65; Title 67 and Title 68. by *Shipley, *Sexton, *Halford, *Evans, *Weaver, *Hurley, *Butt, *Campbell, *Turner M, *Shepard, *Armstrong, *Parkinson, *Sontany, *Womick, *Gotto, *Sparks, *Lundberg. (SB3018 by *Beavers, *Stewart)

Rep. Shipley moved that House Bill No. 3175 be passed on third and final consideration.

Rep. Hill moved that Health and Human Resources Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Hill moved that Health and Human Resources Committee Amendment No. 2 be withdrawn, which motion prevailed.

Rep. Watson moved adoption of Judiciary Committee Amendment No. 1, as House Amendment No. 3, as follows:

Amendment No. 3

5018

This is a draft version of the House Journal and is to be considered UNOFFICIAL. It will become the official record of the House after it has been adopted by the House.

AMEND House Bill No. 3175 by deleting the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 4-6-146, is amended in subsection (a) by deleting the language “alcohol, controlled substances, cash and other items” and by substituting instead the language “alcohol, controlled substances, controlled substance analogues, cash and other items”.

SECTION 2. Tennessee Code Annotated, Section 4-21-102, is amended in subdivision (3)(B) by deleting the language “a controlled substance,” and by substituting instead the language “a controlled substance or controlled substance analogue;”.

SECTION 3. Tennessee Code Annotated, Section 4-21-602, is amended in subdivision (d)(3) by deleting the language “or as defined in the Tennessee Drug Control Act” and by substituting instead the language “or controlled substance or controlled substance analogue, as defined in the Tennessee Drug Control Act”.

SECTION 4. Tennessee Code Annotated, Section 7-86-205, is amended in subdivision (b)(2)(B)(i)(b) by deleting the language “Controlled substances” and by substituting instead the language “Controlled substances or controlled substance analogues”, and is further amended in subdivision (d)(4) by deleting the language “liquor or controlled substances” and by substituting instead the language “liquor, controlled substances or controlled substance analogues”.

SECTION 5. Tennessee Code Annotated, Section 8-8-102(a), is amended by adding the following as a new subdivision thereto:

(10) Not have been convicted of or pleaded guilty to or entered a plea of nolo contendere to any felony charge or violation of any federal or state laws relating to controlled substance analogues;

SECTION 6. Tennessee Code Annotated, Section 10-7-504, is amended in subdivision (a)(4)(F) by deleting the language “alcohol or a controlled substance” and by substituting instead the language “alcohol, a controlled substance or a controlled substance analogue”.

SECTION 7. Tennessee Code Annotated, Section 29-3-101(a), is amended in subdivision (2)(A) by deleting the language “narcotic or other controlled substance” and by substituting instead the language “narcotic, other controlled substance or controlled substance analogue”, and is further amended in subdivision (2)(B) by deleting subdivision (iv) and by substituting instead the following:

(iv) Selling, possessing, manufacturing or using any controlled substance, drug paraphernalia, as defined in § 39-17-402, or controlled substance analogue, as defined in § 39-17-454, knowingly remaining in the presence of anyone selling, possessing, manufacturing or using any controlled substance, controlled substance analogue or drug paraphernalia, knowingly remaining in the presence of any controlled substance, controlled substance analogue or drug paraphernalia, driving under the influence of any controlled

substance or controlled substance analogue in violation of § 55-10-401, or being under the influence of any controlled substance or controlled substance analogue in public in violation of § 39-17-310;

SECTION 8. Tennessee Code Annotated, Section 36-1-113, is amended in subdivision (i)(7) by deleting the language “alcohol or controlled substances” and by substituting instead the language “alcohol, controlled substances or controlled substance analogues”.

SECTION 9. Tennessee Code Annotated, Section 37-1-702, is amended in subdivision (c)(1)(Q) by adding the following as a new subdivision thereto:

(iv) § 39-17-454, relative to simple possession or casual exchange of a controlled substance analogue.

SECTION 10. Tennessee Code Annotated, Section 38-6-103, is amended in subdivision (d)(1)(A)(i) by deleting the language “Controlled substances, narcotics” and by substituting instead the language “Controlled substances, controlled substance analogues, narcotics”.

SECTION 11. Tennessee Code Annotated, Section 38-6-202, is amended in subsection (a) by deleting the language “controlled substances, narcotics” and by substituting instead the language “controlled substances, controlled substance analogues, narcotics”.

SECTION 12. Tennessee Code Annotated, Section 38-8-106, is amended in subdivision (4) by deleting the language “liquor or controlled substances” and by substituting instead the language “liquor, controlled substances or controlled substance analogues”.

SECTION 13. Tennessee Code Annotated, Section 39-13-301, is amended by deleting subdivision (2)(D) and by substituting instead the following:

(D) by providing a controlled substance, as defined in § 39-14-402, or a controlled substance analogue, as defined in § 39-14-454, to a person;

SECTION 14. Tennessee Code Annotated, Section 39-15-402, is amended in subdivision (a)(2) by deleting the language “dangerous instrumentality or controlled substance” and by substituting instead the language “dangerous instrumentality, controlled substance or controlled substance analogue”.

SECTION 15. Tennessee Code Annotated, Section 39-16-201, is amended in subdivision (b)(1) by deleting the language “controlled substances” and by substituting instead the language “controlled substances or controlled substance analogues”.

SECTION 16. Tennessee Code Annotated, Section 39-17-310, is amended in subsection (a) by deleting the language “controlled substance or” and by substituting instead the language “controlled substance, controlled substance analogue or”.

SECTION 17. Tennessee Code Annotated, Section 39-17-315, is amended in subdivision (g)(2) by deleting the language “controlled substances” and by substituting instead the language “controlled substances or controlled substance analogues”.

SECTION 18. Tennessee Code Annotated, Section 39-17-424, is amended by deleting the language “controlled substances” each time the language appears and by substituting instead the language “controlled substances or controlled substance analogues”.

SECTION 19. Tennessee Code Annotated, Section 39-17-425, is amended by deleting the language “into the human body a controlled substance” each time the language appears and by substituting instead the language “into the human body a controlled substance or controlled substance analogue”.

SECTION 20. Tennessee Code Annotated, Section 39-17-437, is amended in subdivision (b)(1) by deleting the language “a controlled substance” and by substituting instead the language “a controlled substance or a controlled substance analogue”.

SECTION 21. Tennessee Code Annotated, Section 39-17-438, is amended by deleting subsection (d) and by substituting instead the following:

(d)

(1) A first violation of this section is a Class D felony.

(2) A second or subsequent violation of this section is a Class C felony.

(3) If the violation of this section involved the delivery, dispensing or sale of a controlled substance analogue to a minor, the person shall be punished one (1) classification higher than the punishment provided by this subsection for delivering, dispensing or selling to an adult.

SECTION 22. Tennessee Code Annotated, Section 39-17-1321, is amended in subsection (a) by deleting the language “controlled substance” and by substituting instead the language “controlled substance or controlled substance analogue”.

SECTION 23. Tennessee Code Annotated, Section 39-17-1323, is amended in subdivision (a)(3) by deleting the language “controlled substance” and by substituting instead the language “controlled substance or controlled substance analogue”.

SECTION 24. Tennessee Code Annotated, Section 39-17-1324, is amended in subdivision (i)(1)(L) by deleting the language “controlled substance” and by substituting instead the language “controlled substance or controlled substance analogue”.

SECTION 25. Tennessee Code Annotated, Section 39-17-1350, is amended in subdivision (c)(2) by deleting the language “controlled substance” and by substituting instead the language “controlled substance or controlled substance analogue”.

SECTION 26. Tennessee Code Annotated, Section 39-17-1351, is amended by deleting subdivision (c)(10) and by substituting instead the following:

(10) That the applicant is not an unlawful user of or addicted to alcohol, any controlled substance or controlled substance analogue, and the applicant has not been a patient in a rehabilitation program or hospitalized for alcohol, controlled substance or controlled substance analogue abuse or addiction within ten (10) years from the date of application;

SECTION 27. Tennessee Code Annotated, Section 39-17-1351, is further amended by deleting subdivision (j)(3) and by substituting instead the following:

(3) The applicant, who was rendered infamous or deprived of the rights of citizenship by judgment of any state or federal court, has had the applicant's full rights of citizenship duly restored pursuant to procedures set forth within title 40, chapter 29, or other federal or state law; provided, however, that this subdivision (j)(3) shall not apply to any person who has been convicted of burglary, any felony offense involving violence or use of a firearm or any felony drug offense involving a Schedule I, II, III, IV or V controlled substance or a controlled substance analogue. If the applicant has been convicted of a felony drug offense involving a Schedule VI controlled substance, this subdivision (j)(3) shall not apply if the offense occurred within ten (10) years of the date of application or renewal.

SECTION 28. Tennessee Code Annotated, Section 40-7-119, is amended by deleting subsection (b) and by substituting instead the following:

(b) No person arrested for a traffic, regulatory or misdemeanor offense, except in cases involving weapons, a controlled substance or controlled substance analogue, shall be strip searched unless there is reasonable belief that the individual is concealing a weapon, a controlled substance, a controlled substance analogue or other contraband.

SECTION 29. Tennessee Code Annotated, Section 40-7-121, is amended in subsection (a) by deleting the language "controlled substance" and by substituting instead the language "controlled substance, a controlled substance analogue".

SECTION 30. Tennessee Code Annotated, Section 40-11-150, is amended by deleting from subdivision (b)(5) the language "alcohol or controlled substances" and by substituting instead the language "alcohol, controlled substances or controlled substance analogues".

SECTION 31. Tennessee Code Annotated, Section 40-12-201, is amended by deleting subdivision (a)(3) and by substituting instead the following:

(3) Section 39-17-417, relating to controlled substances or § 39-17-454, relating to controlled substance analogues;

SECTION 32. Tennessee Code Annotated, Section 40-20-205, is amended in subdivision (5) by deleting the language “controlled substance” and by substituting instead the language “controlled substance or controlled substance analogue”.

SECTION 33. Tennessee Code Annotated, Section 40-35-114, is amended in subdivision (20) by deleting the language “controlled substance” and by substituting instead the language “controlled substance or controlled substance analogue” and is further amended in subdivision (23) by deleting the language “controlled substance” and by substituting instead the language “controlled substance, controlled substance analogue”.

SECTION 34. Tennessee Code Annotated, Section 40-35-121, is amended in subdivision (a)(3)(B) by deleting the language “controlled substance” and by substituting instead the language “controlled substance, controlled substance analogue”.

SECTION 35. Tennessee Code Annotated, Section 40-35-303, is amended in subdivision (n)(4) by deleting the language “alcohol or controlled substances” and by substituting instead the language “alcohol, controlled substances or controlled substance analogues”.

SECTION 36. Tennessee Code Annotated, Section 41-1-102, is amended in subdivisions (d)(1) and (5) by deleting the language “controlled substances” and by substituting instead the language “controlled substances and controlled substance analogues”.

SECTION 37. Tennessee Code Annotated, Section 41-1-121, is amended in subsections (a) and (d) by deleting the language “controlled substance” and by substituting instead the language “controlled substance or controlled substance analogue” and is further amended in subsection (c) by deleting the language “controlled substances” and by substituting instead the language “controlled substances and controlled substance analogues”.

SECTION 38. Tennessee Code Annotated, Section 41-4-144, is amended in subdivision (a)(4) by deleting the language “liquor or controlled substances” and by substituting instead the language “liquor, controlled substances or controlled substance analogues”.

SECTION 39. Tennessee Code Annotated, Section 49-2-116, is amended in subsection (d) by deleting the language “controlled substance” and by substituting instead the language “controlled substance or controlled substance analogue”.

SECTION 40. Tennessee Code Annotated, Section 49-6-2107, is amended in subdivision (e)(1) by adding the following as a new subdivision thereto:

(F) Manufacture, delivery, sale or possession of a controlled substance analogue as prohibited by § 39-17-454.

SECTION 41. Tennessee Code Annotated, Section 49-6-2117, is amended in subsection (a) by adding the following as a new subdivision thereto:

(6) Manufacture, delivery, sale or possession of a controlled substance analogue as prohibited by § 39-17-454.

SECTION 42. Tennessee Code Annotated, Section 49-6-3401, is amended in subsection (g) by deleting the language “or legend drug, as defined by” and by substituting instead the language “controlled substance analogue, as defined by § 39-17-454, or legend drug, as defined by”.

SECTION 43. Tennessee Code Annotated, Section 49-6-4202, is amended in subdivision (2) by deleting the language “controlled substance,” and by substituting instead the language “controlled substance, controlled substance analogue,”.

SECTION 44. Tennessee Code Annotated, Section 49-7-146, is amended by deleting the language “alcohol or a controlled substance” and by substituting instead the language “alcohol, a controlled substance, or a controlled substance analogue”.

SECTION 45. Tennessee Code Annotated, Section 49-7-2205, is amended in subdivision (b)(2) by deleting the language “controlled substances” and by substituting instead the language “controlled substances and controlled substance analogues”.

SECTION 46. Tennessee Code Annotated, Section 53-11-408, is amended in subsection (a) by deleting the language “controlled substance” and the language “controlled substances” and by substituting instead, respectively, the language “controlled substance and controlled substance analogue” and the language “controlled substances and controlled substance analogues”.

SECTION 47. Tennessee Code Annotated, Section 53-11-412, is amended by deleting the language “any controlled substance” and by substituting instead the language “any controlled substance or controlled substance analogue”.

SECTION 48. Tennessee Code Annotated, Section 53-11-451, is amended in subdivision (a)(1) by deleting the language “controlled substances and by substituting instead the language “controlled substances or controlled substance analogues”; in subdivisions (a)(2) by deleting the language “any controlled substance” and by substituting instead the language “any controlled substance or controlled substance analogue”; in subdivision (a)(6) by deleting the language “a controlled substance” and by substituting instead the language “a controlled substance or controlled substance analogue”.

SECTION 49. Tennessee Code Annotated, Section 53-11-451, is amended by adding the following as a new subsection (h) and by redesignating the subsections accordingly:

(h) Controlled substance analogues that are possessed, transferred, sold, or offered for sale in violation of part 3 of this chapter and this part, or title 39, chapter 17, part 4, are contraband and shall be seized and summarily forfeited to the state. Controlled substance analogues that are seized or come into the possession of the state, the owners of which are unknown, are contraband and shall be summarily forfeited to the state.

SECTION 50. Tennessee Code Annotated, Section 53-14-103, is amended by adding the following as a new, appropriately designated subdivision:

(5) “Controlled substance analogues” is defined as in § 39-17-454;

SECTION 51. Tennessee Code Annotated, Section 53-14-104, is amended in subsection (a) by deleting the language “legend drug or controlled substance” and by substituting instead the language “legend drug, controlled substance or controlled substance analogue”.

SECTION 52. Tennessee Code Annotated, Section 53-14-105, is amended in subsection (a) by deleting the language “legend drugs or controlled substances, or both,” and by substituting instead the language “legend drugs, controlled substances or controlled substance analogues, or any combination thereof.”.

SECTION 53. Tennessee Code Annotated, Section 53-14-106, is amended in subdivision (a)(3) by deleting the language “legend drugs or controlled substances” and by substituting instead the language “legend drugs, controlled substances or controlled substance analogues”.

SECTION 54. Tennessee Code Annotated, Section 53-14-110, is amended in subdivision (1) by deleting the language “legend drugs and controlled substances” and by substituting instead the language “legend drugs, controlled substances and controlled substance analogues”.

SECTION 55. Tennessee Code Annotated, Section 53-14-111, is amended in subsection (a) by deleting the language “legend drugs and controlled substances” and by substituting instead the language “legend drugs, controlled substances and controlled substance analogues”.

SECTION 56. Tennessee Code Annotated, Section 53-14-112, is amended in subdivisions (3) and (5) by deleting the language “legend drugs or controlled substances” and by substituting instead the language “legend drugs, controlled substances or controlled substance analogues”.

SECTION 57. Tennessee Code Annotated, Section 53-14-114, is amended by deleting the language “legend drugs or controlled substances” and by substituting instead the language “legend drugs, controlled substances or controlled substance analogues”.

SECTION 58. Tennessee Code Annotated, Section 55-10-401, is amended in subdivision (a)(1) by deleting the language “controlled substance, drug,” and by substituting instead the language “controlled substance, controlled substance analogue, drug,”.

SECTION 59. Tennessee Code Annotated, Section 55-10-403, is amended by deleting subdivision (c)(2), and by substituting instead the following:

(2) Upon the second or subsequent conviction for violating the provisions of § 55-10-401, involving being under the influence of a controlled substance or controlled substance analogue, § 39-17-418, involving the possession of a controlled substance, or § 39-17-454, involving the possession of a controlled substance analogue, participation in a program of rehabilitation at an alcohol or drug treatment facility, if available; and

SECTION 60. Tennessee Code Annotated, Section 57-3-704, is amended in subdivision (2) by deleting the language “controlled substances” and by substituting instead the language “controlled substances, controlled substance analogues”.

SECTION 61. Tennessee Code Annotated, Section 57-5-105, is amended in subdivision (b)(3) by deleting the language “controlled substance” and by substituting instead the language “controlled substance or controlled substance analogue”.

SECTION 62. Tennessee Code Annotated, Section 57-5-105, is further amended in subdivision (b)(4) by deleting the language “or any crime involving moral turpitude within the past ten (10) years” and by substituting instead the language “or the manufacture, delivery, sale or possession with intent to manufacture, deliver or sell any controlled substance analogue, or any crime involving moral turpitude within the past ten (10) years”.

SECTION 63. Tennessee Code Annotated, Section 62-32-303, is amended in subdivision (9)(B)(i)(a) by deleting the language “controlled substance,” and by substituting instead the language “controlled substance, controlled substance analogue,”.

SECTION 64. Tennessee Code Annotated, Section 62-35-117, is amended in subdivision (4)(B)(iv) by deleting the language “controlled substances,” and by substituting instead the language “controlled substances, controlled substance analogues,”.

SECTION 65. Tennessee Code Annotated, Section 63-1-309, is amended in subdivision (b)(2) by deleting the language “controlled substance” and by substituting instead the language “controlled substance or controlled substance analogue”.

SECTION 66. Tennessee Code Annotated, Section 63-3-119, is amended in subdivision (a)(14) by deleting the language “controlled substance” and by substituting instead the language “controlled substance, controlled substance analogue”.

SECTION 67. Tennessee Code Annotated, Section 63-3-204, is amended in subdivision (b)(11) by deleting the language “controlled substances” and by substituting instead the language “controlled substances, controlled substance analogues”.

SECTION 68. Tennessee Code Annotated, Section 63-4-114, is amended in subdivision (3) by deleting the language “controlled substances” and by substituting instead the language “controlled substances, controlled substance analogues”.

SECTION 69. Tennessee Code Annotated, Section 63-5-124, is amended in subdivision (a)(5) by deleting the language “controlled substances” and by substituting instead the language “controlled substances, controlled substance analogues”.

SECTION 70. Tennessee Code Annotated, Section 63-5-124, is further amended in subdivision (a)(20) by deleting the language “controlled substance” and by substituting instead the language “controlled substance, controlled substance analogue”.

SECTION 71. Tennessee Code Annotated, Section 63-6-214, is amended in subdivision (b)(5) by deleting the language “controlled substances” and by substituting instead the language “controlled substances, controlled substance analogues”.

SECTION 72. Tennessee Code Annotated, Section 63-6-807, is amended in subdivision (b)(11) by deleting the language “controlled substances” and by substituting instead the language “controlled substances, controlled substance analogues”.

SECTION 73. Tennessee Code Annotated, Section 63-6-1102, is amended in subdivision (2) by deleting the language “alcohol or a controlled substance” each time the language appears and by substituting instead the language “alcohol, a controlled substance, or a controlled substance analogue”.

SECTION 74. Tennessee Code Annotated, Section 63-9-111, is amended in subdivision (b)(5) by deleting the language “controlled substances” and by substituting instead the language “controlled substances, controlled substance analogues”.

SECTION 75. . Tennessee Code Annotated, Section 63-9-111, is amended in subdivision (b)(5) by deleting the language “controlled substances” and by substituting instead the language “controlled substances, controlled substance analogues”; and in subdivision (b)(13) by deleting the language “controlled substance” and by substituting instead the language “controlled substance, controlled substance analogue”.

SECTION 76. Tennessee Code Annotated, Section 63-11-215, is amended in subdivision (b)(5) by deleting the language “controlled substances” and by substituting instead the language “controlled substances, controlled substance analogues”.

SECTION 77. Tennessee Code Annotated, Section 63-12-124, is amended in subdivision (a)(17) by deleting the language “controlled substance” and by substituting instead the language “controlled substance or controlled substance analogue”.

SECTION 78. Tennessee Code Annotated, Section 63-13-209, is amended in subdivision (a)(5) by deleting the language “controlled substances” and by substituting instead the language “controlled substances, controlled substance analogues”.

SECTION 79. Tennessee Code Annotated, Section 63-13-312, is amended in subdivision (8) by deleting the language “controlled substances” and by substituting instead the language “controlled substances, controlled substance analogues”.

SECTION 80. Tennessee Code Annotated, Section 63-13-316, is amended in subdivision (a)(2) by deleting the language “controlled substance” and by substituting instead the language “controlled substance or controlled substance analogue”.

SECTION 81. Tennessee Code Annotated, Section 63-23-108, is amended in subdivision (a)(12) by deleting the language “controlled substance” and by substituting instead the language “controlled substance or controlled substance analogue”.

SECTION 82. Tennessee Code Annotated, Section 63-25-110, is amended in subdivision (a)(3) by deleting the language “narcotic or controlled substance” and by substituting instead the language “narcotic, controlled substance or controlled substance analogue”.

SECTION 83. Tennessee Code Annotated, Section 63-26-123, is amended in subdivision (3) by deleting the language “controlled dangerous substances” and by substituting instead the language “controlled substances or controlled substance analogues”.

SECTION 84. Tennessee Code Annotated, Section 63-27-112, is amended in subdivision (a)(3) by deleting the language “controlled substances” and substituting instead the language “controlled substance analogues”.

SECTION 85. Tennessee Code Annotated, Section 63-31-109, is amended in subdivision (3) by deleting the language “controlled substances” and by substituting instead the language “controlled substances, controlled substance analogues”.

SECTION 86. Tennessee Code Annotated, Section 65-15-106, is amended in subdivision (c)(2) by deleting the language “alcoholic beverages or controlled substances” and by substituting instead the language “alcoholic beverages, controlled substances or controlled substance analogues”.

SECTION 87. Tennessee Code Annotated, Section 66-7-107, is amended in subdivision (a)(1) by deleting the language “§ 39-13-515 or § 39-17-417” and by substituting instead the language “§ 39-13-515, § 39-17-417 or § 39-17-454”.

SECTION 88. Tennessee Code Annotated, Section 67-4-2802, is amended by adding the following as a new subdivision thereto:

() “Controlled substance analogue” means a controlled substance analogue as defined in § 39-17-454.

SECTION 89. Tennessee Code Annotated, Section 67-4-2802, is further amended by deleting the current subdivision (10) in its entirety and by substituting instead the following:

(10) “Unauthorized substance” means a controlled substance, a controlled substance analogue, a low-street-value drug or an illicit alcoholic beverage.

SECTION 90. Tennessee Code Annotated, Section 67-4-2803, is amended in subdivision (a)(5) by deleting the language “controlled substance” and by substituting instead the language “controlled substance, controlled substance analogue”.

SECTION 91. Tennessee Code Annotated, Section 67-4-2803, is further amended in subdivision (a)(7) by deleting the language “controlled substance” and by substituting instead the language “controlled substance or controlled substance analogue”.

SECTION 92. Tennessee Code Annotated, Section 68-14-601, is amended by adding the following as a new, appropriately designated subdivision thereto:

(3) “Controlled substance analogue” has the meaning given in § 39-17-454.

SECTION 93. Tennessee Code Annotated, Section 68-14-602, is amended in subdivision (a)(3) by deleting the language “controlled substances” and by substituting instead the language “controlled substances or controlled substance analogues”.

SECTION 94. Tennessee Code Annotated, Section 68-14-603, is amended in subdivision (a)(1) and subsection (d) by deleting the language “controlled substance” and by substituting instead the language “controlled substance or controlled substance analogue”.

SECTION 95. Tennessee Code Annotated, Section 68-14-605, is amended in subdivision (3) by deleting the language “controlled substances” and by substituting instead the language “controlled substances or controlled substance analogues”.

SECTION 96. Tennessee Code Annotated, Section 68-24-301, is amended in subsection (b) by deleting the language “controlled substances” and by substituting instead the language “controlled substances or controlled substance analogues”.

SECTION 97. Tennessee Code Annotated, Section 68-140-311, is amended in subdivision (a)(2) by deleting the language “controlled substances” and by substituting instead the language “controlled substances, controlled substance analogues”.

SECTION 98. Tennessee Code Annotated, Title 39, Chapter 17, Part 4, is amended by adding the following new section:

39-17-454.

(a)

(1) As used in this section, “controlled substance analogue” means a capsule, pill, powder, product or other substance, however constituted:

(A) That has the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance; and

(B) The chemical structure of which is a derivative of, or substantially similar to, the chemical structure of a controlled substance; or

(C) That is prohibited by § 39-17-452.

(2) “Controlled substance analogue” does not include:

(A) A controlled substance;

(B) Any substance for which there is an approved use or new drug application by the federal food and drug administration;

(C) Any compound, mixture, or preparation that contains any controlled substance that is not for administration to a human being or animal, and that is packaged in such form or concentration, or with adulterants or denaturants, so that as packaged it does not present any significant potential for abuse; or

(D) Any substance to which an investigational exemption applies under Section 505 of the Food, Drug and Cosmetic Act, 21 U.S.C. § 355, but only to the extent that conduct with respect to the substance is pursuant to such exemption.

(b)

(1) In determining whether a substance is a controlled substance analogue, the following factors shall be considered, along with any other relevant factors:

(A) The difference between the price at which the substance is sold and the price at which the substance it is purported to be or advertised as is normally sold;

(B) Its diversion from legitimate channels, and its clandestine importation, manufacture, or distribution;

(C) The defendants prior convictions, if any, for a violation of any state or federal statute prohibiting controlled substances or controlled substance analogues; and

(D) Comparisons with accepted methods of marketing a legitimate nonprescription drug for medicinal purposes rather than for the purpose of drug abuse or any similar nonmedical use, including:

(1) The packaging of the substance and its appearance in overall finished dosage form;

(2) Oral or written statements or representations concerning the substance;

(3) The methods by which the substance is distributed; and

(4) The manner in which the substance is sold to the public.

(2) In determining whether a substance is a controlled substance analogue, the following scientific or pharmacological factors may be considered, along with any other relevant factors:

(A) Its actual or relative potential for abuse;

(B) Scientific evidence of its pharmacological effect, if known;

(C) The state of current scientific knowledge regarding the substance;

(D) The history of the substance and its current pattern of abuse;

(E) The scope, duration and significance of abuse;

(F) What, if any, risk there is to the public health;

(G) Its psychic or physiological dependence liability; and

(H) Whether the substance is an immediate precursor of a substance already controlled under this chapter;

(c) It is an offense to knowingly manufacture, deliver, dispense or sell a controlled substance analogue or to possess a controlled substance analogue with the intent to manufacture, deliver, dispense or sell such substance.

(d) It is an offense to knowingly possess or casually exchange a small amount of a controlled substance analogue not in excess of one (1) gram.

(e) It may be inferred from the amount of controlled substance analogue possessed by an offender, along with other relevant facts surrounding the arrest, that the controlled substance analogue was possessed with the purpose of selling or otherwise dispensing in violation of subsection (c). It may be inferred from circumstances indicating a casual exchange among individuals of a controlled substance analogue that the controlled substance analogue so

exchanged was possessed not with the purpose of selling or otherwise dispensing in violation of subsection (c). The inferences shall be transmitted to the jury by the trial judge's charge, and the jury will consider the inferences along with the nature of the substance possessed when affixing the penalty.

(f)

(1) It is an offense for a person to represent, orally or in writing, advertise, infer or intend that a controlled substance analogue:

(A) Is a derivative of, or substantially similar to, the chemical structure of a controlled substance;

(B) Has a stimulant, depressant, or hallucinogenic effect on the central nervous system substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a control substance;

(C) Is a substance listed in § 39-17-452.

(2) It is not a defense to prosecution under this subsection (f) that the controlled substance analogue:

(A) Is not a derivative of a controlled substance;

(B) Does not have a chemical structure that is substantially similar to that of a controlled substance;

(C) Does not have a stimulant, depressant, hallucinogenic effect on the central nervous system substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a control substance; or

(D) Is not listed in § 39-17-452.

(g)

(1) A first violation of subsection (c) is a Class D felony.

(2) A second or subsequent violation of subsection (c) is a Class C felony.

(3) If the violation of subsection (c) involved the delivery, dispensing or sale of a controlled substance analogue to a minor, the person shall be punished one classification higher than the punishment provided by this subsection for delivering, dispensing or selling to an adult.

(4) A violation of subsection (d) or (f) is a Class A misdemeanor.

(h)

(1) Nothing in this section shall preclude a violation of § 39-17-453, involving an imitation controlled substance, or § 39-17-452 from being prosecuted and punished as a violation of this section if the substance in question meets the definition of an analogue controlled substance under subsection (a) of this section.

(2) Nothing in this section shall preclude a violation of this section involving a controlled substance analogue from being prosecuted and punished under § 39-17-453 or § 39-17-452 if the controlled substance analogue in question also meets the definitions found in such sections.

(i) Any disability, disqualification, forfeiture, suspension, revocation, prohibition, tax or other adverse consequence provided by law that may result from a conviction for an offense involving a controlled substance shall also apply if the conviction involves a controlled substance analogue in violation of subsection (c).

(j) The building and premises of any business in or upon which a violation of subsection (c) or (f) is committed by an employee, agent or owner of such business is declared to be a public nuisance and shall be subject to abatement as provided in title 29, chapter 3, part 1.

SECTION 99. Tennessee Code Annotated, Section 39-17-402(4), is amended by deleting the language "Schedules I through VI of §§ 39-17-403 — 39-17-415" and substituting instead the language "Schedules I through VII of §§ 39-17-403 – 39-17-416".

SECTION 100. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 101. This act shall take effect fourteen (14) days after becoming a law, the requiring it.

On motion, Judiciary Committee Amendment No. 1, as House Amendment No. 3, was adopted.

Rep. Sargent moved adoption of Finance, Ways and Means Committee Amendment No. 1, as House Amendment No. 4, as follows:

Amendment No. 4

AMEND House Bill No. 3175 by deleting the amendatory language of SECTION 13 in its entirety and by substituting instead the following:

(D) By providing a controlled substance, as defined in § 39-17-402, or a controlled substance analogue, as defined in § 39-17-454, to a person;

AND FURTHER AMEND by deleting SECTION 48 and by substituting instead the following:

SECTION 48. Tennessee Code Annotated, Section 53-11-451, is amended in subdivision (a)(1) by deleting the language “controlled substances” and by substituting instead the language “controlled substances or controlled substance analogues”; in subdivision (a)(2) by deleting the language “any controlled substance” and by substituting instead the language “any controlled substance or controlled substance analogue”; in subdivision (a)(6) by deleting the language “a controlled substance” and by substituting instead the language “a controlled substance or controlled substance analogue”.

AND FURTHER AMEND by deleting SECTION 71 and by substituting instead the following:

SECTION 71. Tennessee Code Annotated, Section 63-6-214, is amended in subdivision (b)(5) by deleting the language “controlled substances” and by substituting instead the language “controlled substances, controlled substance analogues”, and is amended in subdivision (b)(14) by deleting the language “controlled substance” and by substituting instead the language “controlled substance, controlled substance analogue”.

AND FURTHER AMEND by deleting SECTION 87 in its entirety.

AND FURTHER AMEND by deleting SECTION 74 in its entirety.

On motion, Finance, Ways and Means Committee Amendment No. 1, as House Amendment No. 4, was adopted.

Rep. Shipley moved that **House Bill No. 3175**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 94
Noes..... 0

Representatives voting aye were: Alexander, Armstrong, Bass, Brooks H, Brooks K, Brown, Butt, Campbell, Camper, Carr, Cobb, Coley, Cooper, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Favors, Fitzhugh, Floyd, Ford, Forgety, Gotto, Halford, Hall, Hardaway, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Naifeh, Niceley, Odom, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shepard, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Tindell, Todd, Towns, Turner M, Watson, Weaver, White, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 94

A motion to reconsider was tabled.

House Bill No. 2408 -- Special License Plates - As introduced, extends the time to meet the minimum order requirements for the American Red Cross new specialty earmarked plate by an additional year. - Amends TCA Section 55-4-356. by *Marsh. (*SB2274 by *Tracy, *Burks, *Marrero)

On motion, House Bill No. 2408 was made to conform with **Senate Bill No. 2274**; the Senate Bill was substituted for the House Bill.

Rep. Marsh moved that **Senate Bill No. 2274** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	95
Noes.....	0

Representatives voting aye were: Alexander, Armstrong, Bass, Brooks H, Brooks K, Brown, Butt, Campbell, Camper, Carr, Cobb, Coley, Cooper, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Favors, Fitzhugh, Floyd, Ford, Forgety, Gotto, Halford, Hall, Hardaway, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Naifeh, Niceley, Odom, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shepard, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Tindell, Todd, Towns, Turner J, Turner M, Watson, Weaver, White, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 95

A motion to reconsider was tabled.

House Bill No. 2562 -- Orders of Protection - As introduced, authorizes a judge to order parties to mediation who have sworn petitions for orders of protection against one another. - Amends TCA Title 36, Chapter 3, Part 6. by *Hardaway, *Parkinson. (*SB2388 by *Campfield)

Further consideration of House Bill No. 2562 previously considered on April 9, 2012, and April 16, 2012, at which time it was reset for today's Regular Calendar.

Rep. Hardaway moved that House Bill No. 2562 be passed on third and final consideration.

Rep. Watson moved that Judiciary Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Hardaway moved that House Bill No. 2562 be reset for the Regular Calendar on April 18, 2012, which motion prevailed.

MESSAGE CALENDAR

5035

This is a draft version of the House Journal and is to be considered UNOFFICIAL. It will become the official record of the House after it has been adopted by the House.

HOUSE ACTION ON SENATE AMENDMENTS

***House Bill No. 3633** -- Beer - As introduced, authorizes the beer boards in the four major counties to suspend or revoke the beer permit if the alcoholic beverage commission suspends or revokes the alcohol license of the establishment; requires the commission to notify the beer board of such action taken by the commission. - Amends TCA Title 57, Chapter 4, Part 2 and Title 57, Chapter 5, Part 1. by *Floyd, *Hardaway, *Dean, *McCormick, *Haynes, *White. (SB3581 by *Watson, *Massey)

Senate Amendment No. 4

AMEND House Bill No. 3633 By deleting the language "within any county having a population of not less than three hundred thirty-six thousand four hundred (336,400) nor more than four hundred thirty-two thousand three hundred (432,300) according to the 2010 federal census or any subsequent federal census" in subdivision (n)(1) of Section 1 and by substituting instead the language "within any county included within subsection (p)".

AND FURTHER AMEND by deleting the language "within any county having a population of not less than three hundred thirty-six thousand four hundred (336,400) nor more than four hundred thirty-two thousand three hundred (432,300), according to the 2010 federal census or any subsequent federal census" in subdivision (o)(1) of Section 1 and by substituting instead the language "within any county included within subsection (p)".

AND FURTHER AMEND by deleting the language "within any county having a population of not less than three hundred thirty-six thousand four hundred (336,400) nor more than four hundred thirty-two thousand three hundred (432,300), according to the 2010 federal census or any subsequent federal census" in subdivisions (b)(1) and (c)(1)(A) of Section 2, and by substituting instead the language "within any county included within subsection (d)".

AND FURTHER AMEND by adding the following language as a new subsection (p) to Section 1:

(p) The pilot project established by subsections (n) and (o) of this section shall only apply in counties having a population, according to the 2010 federal census or any subsequent federal census, of:

not less than:

6,800

19,100

22,600

32,200

nor more than:

6,900

19,150

22,675

32,300

35,600	35,700
51,400	51,500
56,800	56,900
336,400	336,500
432,200	432,300

AND FURTHER AMEND by adding the following language as a new subsection (d) to Section 2 and redesignating subsection (d) as subsection (e):

(d) The pilot project established by subsections (b) and (c) of this section shall only apply in counties having a population, according to the 2010 federal census or any subsequent federal census, of:

<u>not less than:</u>	<u>nor more than:</u>
6,800	6,900
19,100	19,150
22,600	22,675
32,200	32,300
35,600	35,700
51,400	51,500
56,800	56,900
336,400	336,500
432,200	432,300

Rep. Floyd moved that the House concur in Senate Amendment(s) No(s). 4 to House Bill No. 3633.

Rep. Floyd moved that House Bill No. 3633 be reset for the Message Calendar on April 18, 2012, which motion prevailed.

UNFINISHED BUSINESS

NOTICE TO ACT ON SENATE MESSAGES

**TUESDAY, APRIL 17, 2012 – SEVENTY-FOURTH LEGISLATIVE DAY UNOFFICIAL
VERSION**

Pursuant to **Rule No. 59**, notice was given that the following measure(s) from the Senate would be considered on April 18, 2012:

House Bill No. 2650: by Rep. H. Brooks

NOTICE TO ACT ON SENATE MESSAGES

Pursuant to **Rule No. 59**, notice was given that the following measure(s) from the Senate would be considered on April 19, 2012:

House Bill No. 3398: by Rep. Maggart

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Joint Resolution No. 933 Rep(s). Sargent, Ragan, Haynes, Coley, Niceley, Dean, K. Brooks, R. Williams, Sparks, White, Carr, Floyd, Ramsey and McCormick as prime sponsor(s).

House Joint Resolution No. 934 Rep(s). Sargent, Ragan, Haynes, Coley, Niceley, Dean, K. Brooks, Carr, R. Williams, Ramsey, White, Sparks, McCormick and Floyd as prime sponsor(s).

House Joint Resolution No. 936 Rep(s). Sargent, Ragan, Haynes, Coley, Niceley, Dean, K. Brooks, R. Williams, Sparks, Carr, White, Floyd, Ramsey and McCormick as prime sponsor(s).

House Joint Resolution No. 937 Rep(s). H. Brooks and Dunn as prime sponsor(s).

House Bill No. 2454 Rep(s). Eldridge as prime sponsor(s).

House Bill No. 2865 Rep(s). Eldridge as prime sponsor(s).

House Bill No. 3605 Rep(s). Eldridge as prime sponsor(s).

House Bill No. 3611 Rep(s). K. Brooks and Alexander as prime sponsor(s).

SPONSORS REMOVED

On motion, Rep(s). Brown was/were removed as sponsor(s) of **House Bill No. 2608**.

**ENROLLED BILLS
April 17, 2012**

MADAM SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Joint Resolution(s) No(s). 520, 602, 864, 865, 866, 867, 868, 892 and 916; and find same correctly enrolled and ready for the signatures of the Speakers.

BETTY KAY FRANCIS, Chief Engrossing Clerk

**SIGNED
April 17, 2012**

The Speaker announced that she had signed the following: House Joint Resolution(s) No(s). 520, 602, 864, 865, 866, 867, 868, 892 and 916.

BETTY KAY FRANCIS, Chief Engrossing Clerk

**SIGNED
April 17, 2012**

The Speaker announced that she had signed the following: Senate Bill(s) No(s). 1252.

**MESSAGE FROM THE SENATE
April 17, 2012**

MADAM SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 3382; The Senate nonconcurred in House Amendment(s) No(s). 1.

RUSSELL A. HUMPHREY, Chief Clerk

**MESSAGE FROM THE SENATE
April 17, 2012**

MADAM SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 520, 602, 864, 865, 866, 867, 868, 892 and 916; signed by the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk

**ENGROSSED BILLS
April 17, 2012**

MADAM SPEAKER: The following bill(s) have been examined, engrossed and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 783, 932, 935, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 948, 949, 950, 951, 954, 955, 956, 957 and 958.

BETTY KAY FRANCIS, Chief Engrossing Clerk

**REPORT OF CHIEF ENGROSSING CLERK
April 17, 2012**

MADAM SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Joint Resolution(s) No(s). 520, 602, 864, 865, 866, 867, 868, 892 and 916; for his action.

BETTY KAY FRANCIS, Chief Engrossing Clerk

**ENGROSSED BILLS
April 17, 2012**

MADAM SPEAKER: The following bill(s) have been examined, engrossed and are ready for transmission to the Senate: House Bill(s) No(s). 3175, 3429 and 3867.

BETTY KAY FRANCIS, Chief Engrossing Clerk

**ENROLLED BILLS
April 17, 2012**

MADAM SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Resolution(s) No(s). 232, 245 and 246; and find same correctly enrolled and ready for the signature of the Speaker.

BETTY KAY FRANCIS, Chief Engrossing Clerk

**SIGNED
April 17, 2012**

The Speaker announced that she had signed the following: House Resolution(s) No(s). 232, 245 and 246.

BETTY KAY FRANCIS, Chief Engrossing Clerk

**ENROLLED BILLS
April 17, 2012**

MADAM SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bill(s) No(s). 2215, 2372, 2639, 2683, 2856, 2860, 2984, 3009, 3129, 3282, 3637, 3638, 3841, 3846, 3857, 3862, 3864, 3866 and 3868; and find same correctly enrolled and ready for the signatures of the Speakers.

BETTY KAY FRANCIS, Chief Engrossing Clerk

**SIGNED
April 17, 2012**

The Speaker announced that she had signed the following: House Bill(s) No(s). 2215, 2372, 2639, 2683, 2856, 2860, 2984, 3009, 3129, 3282, 3637, 3638, 3841, 3846, 3857, 3862, 3864, 3866 and 3868.

BETTY KAY FRANCIS, Chief Engrossing Clerk

**MESSAGE FROM THE GOVERNOR
April 17, 2012**

MADAM SPEAKER: I am directed by the Governor to return herewith: House Joint Resolution(s) No(s). 520, 602, 853, 854, 855, 856, 857, 858, 859, 861, 862, 864, 865, 866, 867, 868, 892 and 916; with his approval.

ASHLEIGH HARB on behalf of HERBERT H. SLATTERY III, Counsel to the Governor

ROLL CALL

The roll call was taken with the following results:

Present..... 93

Representatives present were Alexander, Bass, Brooks H, Brooks K, Brown, Butt, Campbell, Camper, Carr, Cobb, Coley, Cooper, Curtiss, Dean, DeBerry J, DeBerry L, Dunn, Elam, Eldridge, Evans, Faison, Favors, Fitzhugh, Floyd, Ford, Forgety, Gotto, Halford, Hall, Hardaway, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Naifeh, Niceley, Odom, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shepard, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Tindell, Todd, Towns, Turner J, Turner M, Watson, Weaver, White, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 93

RECESS MOTION

On motion of Rep. McCormick, the House stood in recess until 9:00 a.m., Wednesday, April 18, 2012.